

**REMARKS / ARGUMENTS**

Claims 1-28 remain pending in this application. No claims have been canceled or added.

**Drawings**

The specification and drawings have been amended to correct minor typographical errors. No new matter has been added.

**35 U.S.C. § 103**

Claims 1-11 and 15-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mimatsu et al (U.S. Pub. No. 2004/0111485). Claims 12-14 and 26-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mimatsu et al as applied to claims 1-11 and 15-25 and further in view of Ofek et al (U.S. Patent No. 5,889,935). These rejections are traversed as follows.

Applicants respectfully request that these rejections be withdrawn since Mimatsu et al is not available as a reference under 35 U.S.C. §103. Since the present application and the publication to Mimatsu et al are commonly assigned, the publication to Mimatsu et al only qualifies as prior art under 35 U.S.C. §102(e). Therefore, it cannot be used in a rejection under 35 U.S.C. §103. The Examiner is hereby invited to contact the undersigned with any questions.

Appl. No. 10/784,994  
Amendment dated December 30, 2005  
Reply to Office Action of November 28, 2005

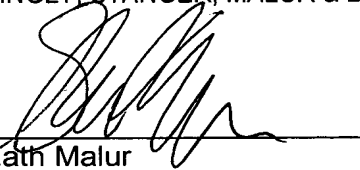
274.43167X00

**Conclusion**

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

By   
Shrinath Malur  
Reg. No. 34,663  
(703) 684-1120

**Amendments to the Drawings**

The attached sheets of drawings includes changes to Fig. 3 and Fig. 4. These sheets replace the original sheets including Figs. 3 and 4. In Fig. 3 previously omitted reference numeral 301 referring to Intelligent SW. The reference numeral has been added. In Fig. 4 the second "Step 410" reference numeral has been amended to read "Step 411".

Attachments: Replacement Sheet